

APPEAL NO. 023201  
FILED FEBRUARY 12, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 20, 2002. The hearing officer determined that the appellant/cross-respondent (carrier) has waived its right to dispute compensability of the claimed injury by not contesting the injury in accordance with Section 409.021; that the date of injury is \_\_\_\_\_; that the respondent/cross-appellant (claimant) did not sustain a repetitive trauma injury with a date of injury of \_\_\_\_\_, but because of the carrier's failure to pay benefits or dispute the injury, the injury is compensable; that the carrier is not relieved of liability under Section 409.002 because the claimant timely notified his employer pursuant to Section 409.001; and that the claimant had disability beginning on June 20, 2001, and ending on February 1, 2002. The carrier appealed the hearing officer's determinations that it waived its right to dispute compensability; that the date of injury is \_\_\_\_\_; that the claimant timely notified his employer; and that the claimant had disability. The file does not contain a response from the claimant. The claimant appealed the hearing officer's determinations that he did not sustain a repetitive trauma injury on \_\_\_\_\_, and the period of disability. The carrier responded, urging affirmance.

DECISION

Affirmed.

We have reviewed the complained-of determinations and find that the hearing officer's Decision and Order is supported by sufficient evidence to be affirmed in its entirety. The issues disputed by the carrier in its appeal, and the claimant in his cross-appeal, presented questions of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issues. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's determinations are so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Daniel R. Barry  
Appeals Judge

CONCUR:

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Michael B. McShane  
Appeals Panel  
Manager/Judge

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Edward Vilano  
Appeals Judge